

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HURU CLARK,

Petitioner,

v.

CASE NO. 06-CV-11751

HONORABLE JOHN CORBETT O'MEARA

BLAINE LAFLER,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL**

Before the Court is Petitioner's motion for appointment of counsel. Petitioner, a Michigan prisoner, has filed a petition for writ of habeas corpus challenging his convictions for assault with intent to rob while armed, felon in possession of a firearm, and possession of a firearm during the commission of a felony which were imposed in the Muskegon County Circuit Court in 2000. He was sentenced as a fourth habitual offender to 28 to 60 years imprisonment, 58 months to 15 years imprisonment, and a consecutive term of two years imprisonment on those convictions.

In his motion, Petitioner seeks appointment of counsel alleging that he is unable to afford counsel, that the issues in his case are complex, and that his claims are meritorious. Respondent has filed an answer to the petition contending that it should be denied. Petitioner has recently filed a lengthy reply to that answer.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555

(1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Having conducted an initial review of the pleadings, the Court finds that neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c). Thus, the Court **DENIES** Petitioner’s motion for appointment of counsel.

IT IS SO ORDERED.

s/John Corbett O’Meara
UNITED STATES DISTRICT JUDGE

Dated: December 7, 2006

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 7, 2006, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager